Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Samoa*

1. The Committee considered the sixth periodic report of Samoa (CEDAW/C/WSM/6) at its 1637th and 1638th meetings (see CEDAW/C/SR.1637 and CEDAW/C/SR.1638), held on 26 October 2018. The Committee's list of issues and questions is contained in CEDAW/C/WSM/Q/6 and the responses of the State party are contained in CEDAW/C/WSM/Q/6/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee notes that, owing to financial constraints, the State party's delegation could not travel to Geneva to be present for the consideration of the report and that the dialogue was therefore conducted by videoconference. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women, Community and Social Development, Faimalotoa Iemaima Kika Stowers, and included representatives of the Ministry of Women, Community and Social Development, the Ministry of Foreign Affairs and Trade, the Law Reform Commission and the Bureau of Statistics.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in July 2012 of the State party's combined fourth and fifth reports (CEDAW/C/WSM/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Sex Offenders Registration Act, in 2017, providing for the registration of the location and other personal information of sex offenders;

(b) Community Law Centre Act, in 2015, establishing a community law centre in the State party;

* Adopted by the Committee at its seventy-first session (22 October–9 November 2018).

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(c) Family Court Act, in 2014, establishing a Family Court;

(d) Constitutional Amendment Act, in 2013, providing for a quota to increase the representation of women in Parliament;

(e) Crimes Act, in 2013, increasing maximum penalties for various sexual offences, including broadening the definition of rape and criminalizing marital rape;

(f) Family Safety Act, in 2013, extending protection to victims of domestic violence and introducing protection orders;

(g) Labour and Employment Relations Act, in 2013, incorporating the principles of equality and non-discrimination in employment legislation and introducing maternity leave in the private sector;

(h) Ombudsman (Komesina o Sulufaiga) Act, in 2013, extending the mandate of the Ombudsman and establishing the National Human Rights Institution within the Office of the Ombudsman;

(i) Personal Property Securities Act, in 2013, recognizing the equal rights of men and women to own property and to use it in business transactions.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Adoption of the district development plan of the Ministry of Women, Community and Social Development, in 2017, promoting the participation of women in village decision-making bodies and village development committees;

(b) Adoption of the national safe schools policy, in 2017, addressing discrimination against pregnant girls and protecting them from expulsion from school;

(c) Adoption of the safer families, stronger communities policy, in 2017, addressing gender-based violence against women and girls specifically;

(d) Establishment of the national mechanism for reporting and follow-up, in 2016;

(e) Adoption of the national policy for gender equality, 2016–2020;

(f) Adoption of the strategic plan, 2013–2017, of the Ministry of Women, Community and Social Development, promoting the strengthening of institutions and communities and the socioeconomic well-being of women.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, in 2012, and the Convention on the Rights of Persons with Disabilities, in 2016, and has accepted the amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women, in 2018.

Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the

sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Constitutional and legislative framework

9. The Committee notes with appreciation the State party's acceptance of the amendment to article 20 (1) of the Convention. It is concerned, however, that, notwithstanding the continuing efforts to review legislation in line with the recommendations made by the Samoa Law Reform Commission, there is no timetable for the completion of this exercise. The Committee is also concerned that some villages still maintain a prohibition on the *matai* (chief) title being held by women and also restrict the participation of women in village *fono* (councils).

10. **The Committee recommends that the State party:**

(a) **Accelerate its efforts to incorporate the Convention fully into its national legislation and adopt and adhere to a clear timetable for the completion of the legislative review in order to ensure that legislation complies with the Convention;**

(b) **Ensure compliance with article 15 of the Constitution by addressing discriminatory acts on the part of some villages, which prohibit women from attaining the title of *matai* and from participating in village *fono*;**

(c) **Intensify training and capacity-building programmes on the Convention for judges, other legal practitioners, parliamentarians and policymakers, in compliance with the Committee's general recommendation No. 33 (2015) on women's access to justice.**

Definition of discrimination against women

11. The Committee remains concerned that the prohibition of discrimination provided in article 15 of the Constitution does not include a comprehensive definition of discrimination against women in line with article 1 of the Convention.

12. **The Committee reiterates its previous recommendation (CEDAW/C/WSM/CO/4-5, para. 13), draws the attention of the State party to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and recommends that the State party adopt, without delay, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in the public and private spheres, to incorporate into the Constitution and other national legislation, in line with article 1 of the Convention.**

Access to justice

13. The Committee commends the State party on its legislative efforts to improve access for women and girls to justice, including the adoption of the Family Safety Act, the Crimes Act and the Community Law Centre Act, as well as the establishment of a Family Court in 2014. Nevertheless, the Committee notes the following with concern:

(a) The lack of implementation of the Community Law Centre Act and of the provision of accessible legal aid for women in rural areas, including *nofotane* women (women living in the village of their spouses) and *mauapaolo* women (women who marry into a family);

(b) The mandatory use of mediation in situations of violence, without full risk assessments;

(c) The inability of the National Human Rights Institution to carry out and monitor its work effectively, owing primarily to inadequate human and financial resources;

(d) The high number of women who are imprisoned on charges of "theft as a servant".

14. **The Committee recommends that the State party:**

(a) **Establish community law centres to enhance access for women to justice, in rural areas in particular, taking into account the needs of disadvantaged groups of women, including *nofotane* women and *mauapaolo* women;**

(b) **Ensure that mediation is not mandatory in cases of violence against women and girls, including domestic violence, and that victims have access to effective remedies and redress, in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and general recommendation No. 33;**

(c) **Increase the capacity and resources of the National Human Rights Institution to carry out and monitor its work effectively;**

(d) **Continue to develop alternative sentencing and custodial strategies for women, pregnant women and women with children in particular, who are convicted of minor offences under the charge of "theft by servant".**

National machinery for the advancement of women

15. The Committee notes that the Ministry of Women, Community and Social Development was restructured in 2017 to ensure that all groups of people were addressed in its strategies and policies. The Committee remains concerned, however, about the confusion regarding the allocation of the roles of gender experts in the Ministry and its insufficient budget, including for the training of the Ministry staff.

16. **The Committee recommends that the State party ensure that the restructuring of the Ministry of Women, Community and Social Development does not weaken its mandate of promoting gender equality and gender mainstreaming across all sectors and at all levels of government, and that it increase the budget and strengthen the capacity of the Ministry.**

National human rights institution

17. The Committee welcomes the establishment of the National Human Rights Institution, in compliance with the principles relating to the status of national

institutions for the promotion and protection of human rights (the Paris Principles), within the Office of the Ombudsman, in 2013. It appreciates that the Institution has been accredited with "A" status by the Global Alliance of National Human Rights Institutions and that it has issued three reports thus far on the state of human rights in the State party. It is concerned, however, about the slow progress of the State party in implementing the Institution's recommendations, including those included in its report entitled "National Public Inquiry into Family Violence in Samoa". The Committee is also concerned about the lack of human and financial resources allocated to the Institution to enable it to monitor, promote and protect women's rights effectively.

18. **The Committee recommends that the State party:**

(a) **Expedite the implementation of the recommendations adopted by the National Human Rights Institution, in cooperation with other institutions, in particular those included in the report entitled "National Public Inquiry into Family Violence in Samoa";**

(b) **Strengthen the capacity of the National Human Rights Institution to monitor, promote and protect women's rights by allocating adequate human, technical and financial resources to it.**

Temporary special measures

19. The Committee notes the amendment to the Constitution that establishes a minimum quota of 10 per cent for the representation of women in Parliament. It is concerned, however, about the limited understanding of temporary special measures and how they are used to achieve substantive equality between women and men in the State party in all areas covered by the Convention in which women are underrepresented or disadvantaged.

20. **In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee reiterates its previous recommendation (CEDAW/C/WSM/CO/4-5, para. 19) and recommends that the State party:**

(a) **Adopt temporary special measures, including the adoption of quotas, to achieve substantive equality between women and men in all areas, at the national and local levels;**

(b) **Intensify efforts to raise awareness among relevant government officials, parliamentarians, non-governmental organizations, employers and the general public on the nature of temporary special measures and on their importance to accelerating the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged;**

(c) **Introduce a minimum quota of 30 per cent for the representation of women in Parliament in order to increase their representation.**

Stereotypes and harmful practices

21. The Committee welcomes the State party's efforts to modify discriminatory gender stereotypes and cultural practices. Nevertheless, it is concerned about the persistence of deep-rooted discriminatory stereotypes, harmful practices and patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society. The Committee is also concerned about the following:

(a) The lack of comprehensive strategies or mechanisms to combat discriminatory gender stereotypes against women and girls, in particular to eliminate

negative perceptions about women in leadership roles and their capacity for decision-making;

(b) The prevalence of cultural misconceptions among the general population with regard to women's rights in society;

(c) The absence of measures in the education system to remove discriminatory gender stereotypes, including in school curricula and textbooks;

(d) The lack of a mechanism to monitor and curb the influence of the church in perpetuating discriminatory gender stereotypes and gender-based violence against women and girls.

22. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy, including through awareness-raising programmes, aimed at women and men at all levels of society, including religious and traditional leaders, to eliminate discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society, and regularly monitor and review measures taken in this regard;**

(b) **Promote a public dialogue among the general population to foster an understanding of culture in line with the provisions of the Convention and promote alternative interpretations of the meaning of the *Fa'a Samoa* (Samoan way);**

(c) **Review school curricula and textbooks at all levels of education in order to remove discriminatory gender stereotypes;**

(d) **Establish a mechanism to promote the use of gender-sensitive interpretations of religious texts by churches and assess the impact of religion on public perceptions that foment discriminatory gender stereotypes and gender-based violence.**

Gender-based violence against women

23. The Committee is concerned about the prevalence of gender-based violence against women and girls, in particular domestic and sexual violence, in the State party. It also remains concerned about the following:

(a) The fact that the Family Safety Act does not include economic abuse in its definition of violence;

(b) The lenient penalties imposed on the perpetrators of violence against women and girls, including domestic violence;

(c) The low rates of issuance and enforcement of protection orders by the police;

(d) The lack of efforts to assess and consider the social, health, psychosocial and economic costs of gender-based violence against women and girls, such as medical costs, reduced productivity and loss of livelihood;

(e) The lack of capacity within agencies and organizations, including the health-care system, village *fono* and churches, to address violence against women.

24. **Recalling its general recommendation No. 35, the Committee recommends that the State party:**

(a) **Review and amend the Family Safety Act to include economic violence in the definition of violence, in accordance with the Convention and the Committee's general recommendations;**

(b) **Ensure that perpetrators of domestic violence are prosecuted and adequately punished and that victims of such violence are compensated, and collect data on the number of prosecutions, convictions and sentences imposed on perpetrators and on remedies provided to victims;**

(c) **Strengthen the capacity of the police in addressing gender-based violence, including through its continuous effort to train police officers, and ensure the use and enforcement of protection orders, and the use of gender-sensitive procedures, by the police;**

(d) **Undertake a comprehensive study on the social, health, psychosocial and economic costs of gender-based violence against women and girls and accelerate efforts to combat all forms of such violence;**

(e) **Strengthen the capacity of all agencies, including the police, the health-care system, village *fono* and inter-agency and church task forces, develop protocols to address violence against women and establish a mechanism to monitor their enforcement by these agencies.**

Trafficking and exploitation of prostitution

25. The Committee commends the State party for its efforts to finalize guidelines on the management of the transnational crimes of trafficking in persons and the smuggling of migrants. It is concerned, however, about the sexual exploitation of girls in the State party and the lack of investigation and prosecution of such cases. It is particularly concerned about the following:

(a) The fact that the State party has not acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) The lack of studies and surveys on the prevalence of trafficking in women and girls;

(c) The lack of health services for women in prostitution, and exit programmes and alternative income-generating opportunities for women who wish to leave prostitution, in particular given that prostitution and soliciting are criminalized under the Crimes Act.

26. **The Committee recommends that the State party:**

(a) **Accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(b) **Undertake a study on the prevalence of trafficking in and sexual exploitation of women and girls in the State party and regularly collect data on such cases, disaggregated by age, region and relationship between victim and perpetrator, as recommended by the Samoa Law Reform Commission;**

(c) **Provide health services for women in prostitution, exit programmes and alternative income-generating opportunities for women who wish to leave prostitution and adequate protection and rehabilitation services for women and girls who are victims of exploitation of prostitution.**

Participation in political and public life

27. The Committee commends the State party on the amendment to the Constitution, in 2013, which resulted in an increase in female candidates in the general election in 2016, and the designation of the first female Deputy Prime Minister. It also notes with

appreciation that the number of women in the judiciary has increased since the previous dialogue with the State party. Nevertheless, the Committee is concerned about the following:

(a) The lack of measures taken to remove the condition that a woman must hold the *matai* title in order to be eligible to stand for election, regardless of the low number of women holding the title and the ban on female *matai* by some villages;

(b) The prevalence of male religious leaders in decision-making positions in the State party and the lack of female priests, combined with the low number of women in decision-making positions, leading to violations of women's rights under the Convention, often owing to patriarchal interpretations of the scriptures that negatively affect actions of organs of the State, including the judiciary;

(c) The underrepresentation of women in decision-making positions, in particular in village *fono* and State-owned enterprises;

(d) The unequal representation of village representatives among men and women within the Ministry of Women, Community and Social Development and the persisting gender pay gap in those positions;

(e) The absence of information on the measures taken to promote the representation of disadvantaged groups of women, including women with disabilities;

(f) The lack of legal recognition of the Women's Committees in the Village Fono Amendment Act, amended in 2017, notwithstanding the recommendation made by the Samoa Law Reform Commission to ensure that women have decision-making power at village *fono*.

28. **The Committee recommends that the State party:**

(a) **Amend section 5 of the Electoral Act, 1963, to allow women with or without a *matai* title to stand for election and take legislative measures to address restrictions on female *matai* title-holders in all villages;**

(b) **Ensure that male religious leaders in decision-making positions in State organs undertake their duties in a way that respects, protects and fulfils women's rights as set out in the Convention and increase the number of women in decision-making positions, including female priests;**

(c) **Introduce measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, including quotas and reserved seats, to accelerate the full and equal participation of women;**

(d) **Ensure that the inclusive governance policy and strategy include specific measures to increase the number of female village representatives and continue its efforts to ensure equality in the representation of men and women as village representatives;**

(e) **Provide information in the next periodic report on specific measures taken, including temporary special measures, to promote the representation of disadvantaged groups of women, including women with disabilities, in decision-making positions;**

(f) **Review the Village Fono Amendment Act, 2017, ensuring that the Women's Committees have equal decision-making power and responsibilities as those of men at all village *fono*.**

Education

29. The Committee notes the efforts made by the State party to improve awareness among women and girls of sexual and reproductive health and rights, including through the "teen mums" pilot programme and the mothers and daughters village outreach programmes, as well as the adoption of the national safe schools policy, in 2017, which guarantees the re-entry into school of pregnant girls after childbirth. It is concerned, however, about the following:

(a) The absence of comprehensive, age-appropriate sexuality and reproductive health and rights education in school curricula, owing to cultural resistance;

(b) The negative cultural attitudes and excessive domestic duties that discourage pregnant girls from continuing their education;

(c) The lack of data, disaggregated by age and other relevant factors, on the number of cases of sexual violence in schools and on the sanctions imposed on the perpetrators, as well as on the dropout rate among pregnant girls and rate of re-entry after childbirth;

(d) The fact that girls continue to be victims of sexual abuse and harassment by teachers in school, and that such cases remain underreported owing to the fear of stigmatization;

(e) The lack of specific training for teachers to eliminate discriminatory gender stereotypes against women and girls;

(f) The fact that corporal punishment is culturally acceptable and practised in schools, and that the Infants Ordinance, 1961, allows "reasonable punishment" by teachers, notwithstanding the prohibition thereof under section 23 of the Education Act;

(g) The concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the fields of science and mathematics at the secondary and tertiary levels;

(h) Notwithstanding the fact that women attend and graduate from theological colleges, that there is only one female lecturer and that no women have been ordained as priests.

30. **In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Ensure the inclusion in school curricula of mandatory, universal, age-appropriate, comprehensive sexuality and reproductive health and rights education addressing the issues of power and responsible sexual behaviour, with special attention given to the prevention of early pregnancy, and strengthen continuing efforts towards awareness-raising in order to change cultural resistance to sexual and reproductive health education;**

(b) **Enforce the implementation of the national safe schools policy to ensure that pregnant girls and young mothers continue their education and take appropriate measures to eliminate negative attitudes towards them, including through continuous awareness-raising programmes;**

(c) **Provide in its next periodic report data, disaggregated by age and other relevant factors, on the number of reported cases of sexual violence in schools and the sanctions imposed on the perpetrators, as well as on rates of dropout owing to early pregnancy and of re-entry into school after childbirth among girls;**

(d) **Investigate and prosecute cases of sexual violence and abuse by teachers, and ensure that perpetrators are adequately punished and victims are provided with rehabilitation and redress;**

(e) **Include human rights and gender studies in teacher training curricula to ensure the elimination of all discriminatory gender stereotypes against women and girls;**

(f) **Repeal section 14 of the Infants Ordinance to prohibit corporal punishment at school explicitly and ensure that its prohibition is adequately monitored and enforced and strengthen teacher training to promote non-violent forms discipline;**

(g) **Address stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study and take the measures necessary, including temporary special measures, such as scholarships and other incentives, to encourage them to choose courses of study in science and mathematics;**

(h) **Promote gender and human rights education at theological institutions and introduce temporary special measures to ensure the ordination of women as priests.**

Employment

31. The Committee welcomes the adoption of the Labour and Employment Relations Act, through which maternity leave is extended to women in the private sector and equal remuneration is ensured for work of equal value. It also notes that the State party plans to ratify, by 2020, the Maternity Protection Convention, 1952 (No. 103), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO). The Committee is concerned, however, about the following:

(a) The fact that maternity leave is limited to six weeks in the private sector, which does not comply with relevant ILO conventions or international standards, and about the short period of parental leave for men in the public and private sectors;

(b) The continued vertical and horizontal occupational segregation in the labour market, with women concentrated in the informal and low-paid sectors of employment;

(c) The persistent gender pay gap, notwithstanding the provisions of equal remuneration for work of equal value under the Labour and Employment Relations Act, and the lack of labour inspection, in the tourism and manufacturing sectors in particular;

(d) The lack of affordable childcare facilities, which increases the burden on women and girls for raising and caring for children;

(e) The lack of a comprehensive legislative definition of sexual harassment in the Public Service Act, 2004, and the Labour and Employment Relations Act and the lack of access to complaint mechanisms for women who are victims of sexual harassment.

32. **The Committee recommends that the State party:**

(a) **Revise section 44 of the Labour and Employment Relations Act to extend maternity leave in the private sector to 12 weeks, in line with ILO Convention No. 103, and take appropriate measures to implement other types of maternity protection, such as a compulsory insurance scheme, as well as increase**

the period of mandatory paternity leave to promote the sharing of child-rearing responsibilities between men and women;

(b) **Adopt effective measures, including the provision of vocational training, and temporary special measures, such as incentives for women to work in non-traditional fields, and eliminate horizontal and vertical occupational segregation in the public and private spheres;**

(c) **Establish effective mechanisms for monitoring and regulating employment, including regular labour inspections, to ensure the enforcement in all sectors of the principle of equal pay for work of equal value entrenched in the Labour and Employment Relations Act;**

(d) **Increase the number of affordable childcare facilities, including public childcare facilities, throughout the State party in order to ensure the equal participation of women in the labour market;**

(e) **Introduce the same regulations regarding sexual harassment in the public and private sectors, including a clear definition of sexual harassment, establish effective complaint mechanisms and ensure that perpetrators are prosecuted and adequately punished.**

Health

33. The Committee welcomes the development of the sexual and reproductive health policy, 2017–2021, and the HIV, AIDS and sexually transmitted infection policy, 2017–2022, to improve access for women to health care and health-related services. Nevertheless, it is concerned about the following:

(a) The increase in the maternal mortality rate in the State party;

(b) The limited access for women and girls living in rural areas to early treatment for cancer, owing in part to the absence of clinics and pathologists;

(c) The high number of pregnant women affected by sexually transmitted infections, including the prevalence of HIV and other sexually transmitted infections among women in prostitution;

(d) The high rate of teenage pregnancy, owing to limited access to sexual and reproductive health services and information, and the low use of contraceptive methods;

(e) The limited grounds for legal abortion, which, under the Crimes Act, is permissible only in cases in which the continuance of a pregnancy would result in serious danger to the life or physical or mental health of the pregnant woman and only when the gestation period is less than 20 weeks;

(f) The lack of training for health-care professionals on the appropriate manner in which to interact with victims of domestic violence, owing to the absence of recognition of such violence as a public health issue;

(g) The fact that women are affected by non-communicable diseases, including the prevalence of obesity and diabetes.

34. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Conduct research to identify the root causes of the increase in the maternal mortality rate and take appropriate measures to address them, including by strengthening continuing efforts in antenatal care and providing training for health-care workers;**

(b) Improve access for women, in particular those living in rural areas, to early treatment for cancer and promote partnerships between the Ministry of Health and relevant civil society organizations to establish medical clinics and train pathologists to provide specialized services in rural areas;

(c) Strengthen the systems through which pregnant women who test positive for HIV and other sexually transmitted infections are referred to appropriate medical or treatment services and ensure access for all women and girls, including women in prostitution, to testing and treatment services for HIV and other sexually transmitted infections;

(d) Promote education in sexual and reproductive health rights for adolescent girls and boys, including through the encouragement of the use of contraceptives and youth-friendly services, to prevent unwanted early pregnancy and sexually transmitted infections and ensure that all women and girls have access to high-quality sexual and reproductive health-care services and sufficient knowledge of the services available;

(e) Amend the Crimes Act to legalize abortion, at least in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman, and to decriminalize abortion in all other cases, and set a clear timetable for implementation;

(f) Introduce measures among health providers aimed at addressing gender-based violence, including domestic violence, and provide them with training in gender-sensitive protocols for interacting with women and girls who are victims of gender-based violence;

(g) Strengthen the partnership between the Ministry of Health and relevant entities in order to improve the prevention, early detection and treatment of non-communicable diseases, including obesity and diabetes, among women and girls.

Economic empowerment of women

35. The Committee notes the following with concern:

(a) The disproportionate burden of unpaid household work placed on women;

(b) The lack of access for women employed in the informal sector or engaged in domestic work to the social security system, social protection or compensation programmes;

(c) The lack of data on the impact of the accession of the State party to the World Trade Organization, including following the conclusion of trade and investment agreements, on the rights of women and girls;

(d) The lack of a comprehensive policy to protect workers, in particular female workers, from collective dismissals from employment;

(e) The absence of information on measures to encourage the employment of women in the light manufacturing and financial service sectors.

36. **The Committee recommends that the State party:**

(a) Strengthen its monitoring, including through data collection, of unpaid care work done by women and take appropriate measures to promote the equal sharing of the responsibilities for unpaid household work and childcare between men and women;

(b) Increase access for women to the social security system and develop coordinated social protection and compensation programmes, including

unemployment benefits, for women, in line with ILO Recommendation No. 202 concerning national floors of social protection;

(c) **Monitor and assess the impact of the accession of the State party to the World Trade Organization and other trade and investment agreements on the enjoyment by women and girls of their rights and include that data in the next periodic report;**

(d) **Adopt a specific policy to protect workers, in particular female workers, from collective dismissals from employment in order to guarantee their employment in the formal sector;**

(e) **Intensify adequate vocational training programmes for women, targeting the light manufacturing and financial services sectors, and increase their employment opportunities in those sectors.**

Rural women

37. The Committee takes note of the focus on rural women in the national biodiversity strategy and action plan, 2015–2020, and the water and sanitation sector plan, 2012–2016. Nevertheless, it is concerned about the following:

(a) The fact that women, in particular those living in rural areas, are exposed to gender-based violence and harassment and have limited access to justice and support services, including shelter and psychosocial services;

(b) The limited access of rural women to health services, owing to the lack of health facilities and qualified medical and health personnel;

(c) That traditional healers are often not qualified to support mothers in home delivery or to provide psychosocial support for women in rural areas;

(d) The absence of information on measures taken to ensure the political and economic empowerment of rural women.

38. **In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Provide adequate training for members of the judiciary, law enforcement officers and health-care professionals in the provision of gender-sensitive procedures, establish accessible shelters and psychosocial services in rural areas for women who are victims of violence and raise awareness among such women and girls of their rights and the remedies available to them;**

(b) **Ensure the adequate provision of medical services, including by allocating extra remuneration and incentives to qualified medical and health staff in rural areas;**

(c) **Establish a licensing regime for traditional healers and adequately train them in the special needs of women who are victims of gender-based violence;**

(d) **Develop additional measures and programmes to enhance the political and economic empowerment of rural women.**

Disadvantaged groups of women

39. The Committee notes with concern the insufficient information on the situation of women facing intersectional forms of discrimination, including women with disabilities, female heads of household and older women.

40. **The Committee recommends that the State party provide information in its next periodic report on women facing intersecting forms of discrimination, including women and girls with disabilities, female heads of household and older women, in all areas covered by the Convention. It also recommends that the State party make the legislative changes necessary to prohibit intersecting forms of discrimination against such disadvantaged groups of women and girls, conduct awareness-raising activities to address their stigmatization in society and adopt measures to address obstacles that they face.**

Impact of climate change and natural disasters on women

41. The Committee notes the vulnerability of the State party to climate change and is concerned that the impact of climate change disproportionately affects women and girls. It is concerned about the lack of clear information on a comprehensive national policy on climate change and disaster risk management, which would include the participation of women in the process of policymaking and would incorporate a gender perspective.

42. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party strengthen gender analysis and mainstream the concerns and rights of women by ensuring their participation in decision-making with regard to policy development and the implementation of disaster prevention and management programmes, in particular those relating to climate change adaptation and mitigation. The Committee also recommends that the State party encourage women and girls, including through the use of temporary special measures, to take courses in the fields of disaster risk management and climate change, including in climatology, fishery and water management.**

Marriage and family relations

43. The Committee commends the State party on the establishment of a Family Court, in 2014, which is presided over by a female Supreme Court judge. Nevertheless, it is concerned that the legislation governing marriage and family relations contains discriminatory provisions against women with regard to, inter alia, matrimonial property and spousal and child maintenance. The Committee also notes the following with concern:

(a) The fact that the minimum age of marriage for girls is still 16 years and the high number of teenage marriages with parental consent in the State party;

(b) The persistent negative attitudes towards children born out of wedlock and the stigmatization of such children and the continued discrimination against women and girls in inheritance matters, notwithstanding the judgment of the Land and Titles Court and the enactment of legislation in this area.

44. **The Committee reiterates its previous recommendations (CEDAW/C/WSM/CO/4-5, paras. 35 and 39) and recommends that the State party:**

(a) **Ensure that the review of all discriminatory provisions relating to marriage and family relations, including the Divorce and Matrimonial Causes Ordinance, 1961, the Infants Ordinance, 1961, and the Maintenance and Affiliation Act, 1967, is completed without delay and take legislative measures to establish a system of equitable division of marital property upon divorce;**

(b) **Expedite the adoption of the draft amendment to the Marriage Ordinance, 1961, to raise the minimum age of marriage for women to 18 years;**

(c) Address the root causes of early marriage, strengthen awareness-raising programmes targeting both men and women, including parents of adolescent girls, and eliminate negative attitudes towards children born out of wedlock and the stigmatization of such children;

(d) Eliminate all forms of discrimination with regard to the ownership, sharing and inheritance of land and ensure the implementation of legislation and judgments of the Land and Titles Court.

Optional Protocol to the Convention

45. **The Committee encourages the State party to ratify, as soon as possible, the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

46. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

47. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.**

Technical assistance

48. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

49. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

50. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 24 (d) and (e) and 28 (a) and (c) above.**

Preparation of the next report

51. **The Committee requests the State party to submit its seventh periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

52. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**